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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,488	02/09/2004	Sam Nemazic	SiliconStor-01US	1503

7590 12/05/2006

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EXAMINER

LEE, CHUN KUAN

ART UNIT PAPER NUMBER

2181

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/775,488	Applicant(s) NEMAZIE, SAM	
	Examiner Chun-Kuan (Mike) Lee	Art Unit 2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-7, 9-26 and 28-43.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
 Please see Continuation Sheet below.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


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12/1/2006

Applicant's clear intent of furthering prosecution with the amendments made on 11/13/2006 changes what the claims originally encompassed such that the examiner would need to perform a further search.

As per claims 1 and 20, the independent claims now requires the first port to include a first host task file to be responsive to command sent by the first host unit, and the second port to include a second host task file to be responsive to command sent by the second host unit, whereas in the previously presented claims, the independent claims did not require the amended limitations.

As per claim 33, the independent claim now requires receiving command through a first host task file and receiving command through a second host task file, whereas in the previously presented claim, the independent claim did not require the amended limitations.

In response to applicant's argument that Grieff and Talati are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Grieff and Talati both are associated to the transferring of data between an ATA hard drive and a plurality of hosts, wherein the utilization of the IEEE1349a bus, disclosed by Talati is the preferred embodiments rather than a requirement for implementing Talati's invention, and the motivation to combine Talati with Grieff is for the benefit of preventing chaos that might occur in performing access to the same storage device (e.g. ATA hard drive) (Talati, col. 2, ll. 27-37).

In responding to applicant's argument pertaining to the first Examiner's Interview Summary (May 31, 2006) that applicant disagrees regarding the statement "However the applicant's agrees that while the device is in an idle state, commands can be received concurrently," because while Grieff is believe to receive concurrent request, it cannot concurrently receive commands at any time including in idle state, as state on page 11, last paragraph. Applicant's arguments have fully been considered, but are not found to be persuasive.

Examiner would first like to remind the applicant that applicant have not clearly provided a record pertaining to the interviews.

In regarding to applicant's disagreement, as the applicant has appear not to present any evidence pertaining to the disagreement of the statement "However the applicant's agrees that while the device is in an idle state, commands can be received concurrently," such as citing specifically from the Grieff reference; therefore the examiner is not persuaded by the applicant's claim.

Furthermore, as applicant have initiated the desire to clarify the written record, the examiner requests the applicant to provide clear evidences on written record in regarding to the following:

evidences that clearly delineates the difference between a "request" and a "command," because one ordinary skilled in the art often interpret a "request" to be a "command," as in the Grieff reference, one ordinary skilled in the art may interpret Grieff to teach the hosts sending a command that requests connectivity to the peripheral, which is received by the arbiter unit (Grieff, Fig. 1, ref. 112) for arbitration purposes, therefore the request is a command under such interpretation; it is preferred that the evidences to include written documents or publications that clearly distinguishes a "command" from a "request"; and

evidence that clearly show applicant's interpretation of Grieff that "after receiving of concurrent requests to gain access of the device and after access have been granted to one of the host, no further command can be received from the other host" (first Examiner Interview Summary, p. 4, 5th paragraph), evidences such as which specific steps in Grieff's state diagrams (Grieff, Fig. 2-8) or express disclosure by Grieff's. Because one ordinary skilled in the art, in viewing Grieff's Figure 1, may interpret that there appears to have more than one interconnection between the hosts and the peripheral, such as the two other interconnection right next to the multiplexer (Grieff, Fig. 1, ref. 110) that directly connects the arbiter unit (Grieff, Fig. 1, ref. 112) to the Command Tracker SM (Grieff, Fig. 1, ref. 114) that may enable the carrying of data between the hosts and the peripheral; therefore, one ordinary skilled in the art would interpret Grieff to teach the enablement of receiving commands after granting of access to one of the hosts, as data transferring would utilize the direct bi-direction connection between the arbiter unit (Grieff, Fig. 1, ref. 112) to the Command Tracker SM (Grieff, Fig. 1, ref. 114); while utilizing the bus connected to the output of the multiplexer (Grieff, Fig. 1, ref. 110) to receive command as data is stored in the buffer (Grieff, Fig. 1, ref. 128, 120).

By presenting of the above requested evidences on written record, applicant would enable clear distinction between the prior art and the novelty of applicant's invention, when the written record is reviewed for the current and any future potential prosecutions.

The examiner will therefore maintain his position, the rejection of record and the statements of record in the first Examiner Interview Summary (May, 31, 2006).